

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re App. Serial No. **78/247,326**  
Mark: COOL CAT PRODUCTS and Design  
Filed: May 8, 2003  
Class: 18  
Applicant: John D. Gullahorn  
Published in the *Official Gazette* at TM 433 on May 11, 2004

PERFECT FOODS, INC.

Opposer

v.

JOHN D. GULLAHORN

Applicant

Opposition No. 91160978

NOTICE OF RELIANCE  
ON DEPOSITION TESTIMONY OF  
HARLEY B. MATSIL

Opposer, Perfect Foods, Inc., hereby gives notice that it intends to rely upon the deposition testimony of Harley B. Matsil taken on April 5, 2005 in the above-identified opposition. In particular, Opposer seeks to rely on Mr. Matsil's testimony to establish the indicated facts:

identification of Opposer's goods;

identification and authentication of Opposer's trademark specimens;

identification and authentication of Opposer's sales receipts;

identification of Opposer's New York customers;

identification of Opposer's out-of-state customers;

use of Opposer's mark as an indicator of origin for Opposer's goods from 1988 to present;

04-18-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #77

date of first use of Opposer' mark as an indicator of origin for Opposer's goods in connection with the sale of Opposer's goods to a customer in New York; and

date of first use of Opposer's mark as an indicator of origin for Opposer's goods in connection with the sale of Opposer's goods to an out-of-state customer.

Respectfully submitted,

Perfect Foods, Inc.

Date: April 5, 2005

By: Dennis T. Griggs  
Dennis T. Griggs  
Attorney For Opposer

Griggs Bergen LLP  
17950 Preston Road, Suite 1000  
Dallas, Texas 75252  
(972) 447-4567


CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this NOTICE OF RELIANCE ON DEPOSITION TESTIMONY OF HARLEY B. MATSIL (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513.

S. Maria Tedesco

(Typed name of person mailing paper)

Date: April 5, 2005

  
(Signature of person mailing paper)

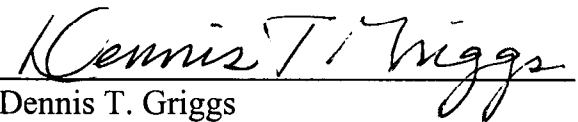
CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing NOTICE OF RELIANCE ON DEPOSITION OF HARLEY B. MATSIL has been forwarded this 5th day of April 2005, by first class mail, postage prepaid and addressed to:

Cheryl Meide, Esq.  
Meide Law Firm, P.A.  
6622 Southpoint Drive South, Suite 150  
Jacksonville, Florida 32216

John D. Gullahorn  
4111 Calico Drive  
Cantonment, Florida 32533

Angela Garcia-McSweeney, Esq.  
Benjamin Ostrer & Associates, P.C.  
111 Main Street, P.O. Box 509  
Chester, New York 10918

By:   
Dennis T. Griggs  
Attorney for Opposer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re App. Serial No. **78/247,326**  
Mark: COOL CAT PRODUCTS and Design  
Filed: May 8, 2003  
Class: 18  
Applicant: John D. Gullahorn  
Published in the *Official Gazette* at TM 433 on May 11, 2004

PERFECT FOODS, INC.

Opposer

v.

JOHN D. GULLAHORN

Applicant

Opposition No. 91160978

NOTICE OF RELIANCE  
ON DEPOSITION TESTIMONY OF  
ALYSE M. MATSIL

Opposer, Perfect Foods, Inc., hereby gives notice that it intends to rely upon the deposition testimony of Alyse M. Matsil taken on April 5, 2005 in the above-identified opposition. In particular, Opposer seeks to rely on Ms. Matsil's testimony to establish the indicated facts:

identification of Opposer's goods;

identification and authentication of Opposer's trademark specimens;

identification and authentication of Opposer's sales receipts;

identification of Opposer's New York customers;

identification of Opposer's out-of-state customers;

use of Opposer's mark as an indicator of origin for Opposer's goods from 1988 to present;

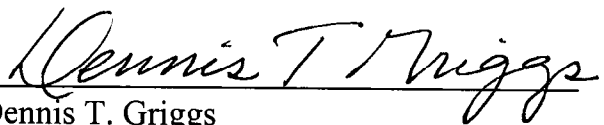
date of first use of Opposer' mark as an indicator of origin for Opposer's goods in connection with the sale of Opposer's goods to a customer in New York; and

date of first use of Opposer's mark as an indicator of origin for Opposer's goods in connection with the sale of Opposer's goods to an out-of-state customer.

Respectfully submitted,

Perfect Foods, Inc.

Date: April 5, 2005

By:   
Dennis T. Griggs  
Attorney For Opposer

Griggs Bergen LLP  
17950 Preston Road, Suite 1000  
Dallas, Texas 75252  
(972) 447-4567

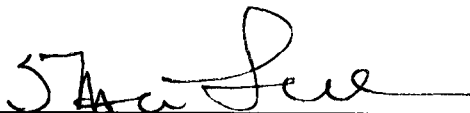
CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this NOTICE OF RELIANCE ON DEPOSITION TESTIMONY OF ALYCE M. MATSIL (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513.

S. Maria Tedesco

(Typed name of person mailing paper)

Date: April 5, 2005



(Signature of person mailing paper)

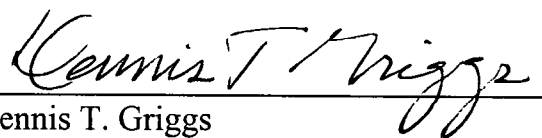
CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing NOTICE OF RELIANCE ON DEPOSITION TESTIMONY OF ALYSE M. MATSIL has been forwarded this 5th day of April 2005, by first class mail, postage prepaid and addressed to:

Cheryl Meide, Esq.  
Meide Law Firm, P.A.  
6622 Southpoint Drive South, Suite 150  
Jacksonville, Florida 32216

John D. Gullahorn  
4111 Calico Drive  
Cantonment, Florida 32533

Angela Garcia-McSweeney, Esq.  
Benjamin Ostrer & Associates, P.C.  
111 Main Street, P.O. Box 509  
Chester, New York 10918

By:   
Dennis T. Griggs  
Attorney for Opposer